

PLANNING COMMISSION

December 1, 2021

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Casey, Caballero, Cantrell, Garcia, Lardinois, Montañez,
Oliverio, Ornelas-Wise, Torrens, Young

ABSENT: Commissioner Bonilla

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 p.m.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized items. Please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak. Each member of the public may address the Commission for up to two minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

PAUL SOTO SPOKE ABOUT RED LINING OF HIS HORSESHOE NEIGHBORHOOD. SAID "YOUR DECISIONS SHOULD BE INFORMED BY THE HISTORY OF REDLINING." ADDED THAT CALLE WILLOW IS THE HEART AND SOUL OF THE NEIGHBORHOOD AND SHOULD NOT BE GENTRIFIED.

CALLER SAID HE AGREED WITH PAUL SOTO. CALLE WILLOW IS A REAL PLACE WITH A REAL COMMUNITY. SAID THAT SHOULD NOT BE GENTRIFIED.

SANDRA SAID THANK YOU FOR THE SB 9 STUDY SESSION.

3. DEFERRALS AND REMOVALS FROM CALENDAR

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing these or any other items, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

No Items

4. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE THE CONSENT CALENDAR ITEMS 4.A - 4.D.

COMMISSIONER CABALLERO SECONDED THE MOTION (10-0-1, BONILLA ABSENT).

ITEM 4.A. WAS INITIALLY APPROVED ON CONSENT (10-0-1) WITH FIRST MOTION BY COMMISSIONER LARDINOIS AND SECONDED BY COMMISSIONER CABALLERO.

HOWEVER, FOLLOWING AGENDA ITEM 9 STAFF REQUESTED THAT THE COMMISSION PASS A MOTION TO RECONSIDER IT DUE TO AN ERROR DISCOVERED IN THE MEETING MINUTES AFTER THE COMMISSION HAD APPROVED THE SYNOPSIS ON CONSENT. COMMISSIONER LARDINOIS MADE THE FIRST MOTION TO RECONSIDER, AND COMMISSIONER CABALLERO MADE THE SECOND, AND THE MOTION WAS APPROVED 10-0-1 TO RECONSIDER.

STAFF THEN NOTED THAT THE ACTION FOR ITEM 8A, GPT21-001, GPT21-005, GP21-013, GPT21-006, AND GPT21-007 WAS INCORRECT, AND SHOULD BE CORRECTED.

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE THE CORRECTED SYNOPSIS (ITEM 4A).

COMMISSIONER TORRENS SECONDED THE MOTION (10-0-1; BONILLA ABSENT).

- a. [Review and Approve Action Minutes from November 10, 2021.](#)
Deferred from 11/17/21.
- b. [Review and Approve Action Minutes from November 17, 2021.](#)
- c. [CPA07-091-01 \(Administrative Hearing\).](#) Conditional Use Permit Amendment to allow late night operations for delivery only sales from 12:00 midnight to 6:00 a.m. with alcohol deliveries stopping at 2:00 a.m., and the interior improvements in an existing approximately 10,400-square foot tenant space (BevMo), located northeast corner of Blossom Hill Road and Santa Teresa Boulevard (871 Blossom Hill Road) (Facchino/Labarbera Blossom Hill LLC, Owner). Council District 10. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities. **PROJECT MANAGER, ALEC ATIENZA**
 1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A): CLASS 1, FOR EXISTING FACILITIES; AND**

- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR LATE NIGHT OPERATION FOR DELIVERY-ONLY FOR OFF-SALE OF ALCOHOL SALES FROM MIDNIGHT TO 2:00 A.M. WITH OFF-SALE OF ALCOHOL SALES DELIVERIES RESUMING AT 6:00 A.M. AND 24-HOUR DELIVERIES OF NON-ALCOHOLIC MERCHANDISE AND INTERIOR IMPROVEMENTS IN AN EXISTING APPROXIMATELY 10,400-SQUARE FOOT TENANT SPACE (BEVMO!) LOCATED WITHIN AN EXISTING APPROXIMATELY 50,408-SQUARE FOOT SHOPPING CENTER ON AN APPROXIMATELY 6.28-GROSS ACRE SITE.**

- d. [PDC18-032 & PD18-042.](#) Planned Development Rezoning and a Planned Development Permit to rezoning from the CIC Combined Industrial/Commercial (CIC) to a CIC(PD) Planned Development Zoning District and to allow the construction of a five-story hotel with up to 48-rooms, an alternative parking arrangement (stackers), valet parking, and the removal of one non-ordinance sized tree on an approximately 0.25-gross acre site located northeast corner of Oakland Road and Faulstich Court (Ngo Nghi, Owner) Council District: 3. **CEQA:** Oakland Road Comfort Suites Project Mitigated Negative Declaration.

PROJECT MANAGER, ALEC ATIENZA

- 1. ADOPT A RESOLUTION ADOPTING THE OAKLAND ROAD COMFORT SUITES PROJECT MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED; AND**
- 2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.25 ACRES ON THE NORTHEAST CORNER OF OAKLAND ROAD AND FAULSTICH COURT FROM THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT TO THE CIC(PD) PLANNED DEVELOPMENT ZONING DISTRICT.**
- 3. ADOPT A RESOLUTION, APPROVING SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A FIVE-STORY HOTEL WITH UP TO 48 ROOMS, AN ALTERNATIVE PARKING ARRANGEMENT (MECHANICAL LIFTS), VALET PARKING, AND THE REMOVAL OF ONE NON-ORDINANCE SIZED TREE ON AN APPROXIMATELY 0.25-GROSS ACRE SITE.**

5. PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

No items.

6. CONTINUE THE GENERAL PLAN HEARING (2021 CYCLE 2)

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN CONSENT CALENDAR

- a. [Opportunity Housing and SB 9 Implementation.](#) Provide recommendations regarding the continued work on the “Opportunity Housing” policy proposal from the General Plan Four-Year Review and Implementation of Senate Bill 9. Council District: Citywide. CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from a decision-making body.

PROJECT MANAGER, JERAD FERGUSON

ACTION: COMMISSIONER YOUNG MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. DECLINE TO MOVE FORWARD WITH THE CITY’S OPPORTUNITY HOUSING EFFORT AT THE PRESENT TIME IN ORDER TO FOCUS ON IMPLEMENTATION OF SENATE BILL 9 (AKINS, 2021) (SB 9), WHICH REQUIRES THE CITY TO ALLOW MOST OF THE OPPORTUNITY HOUSING TYPES CONTEMPLATED AS PART OF THE FOUR-YEAR REVIEW OF THE GENERAL PLAN.**
- 2. DIRECT STAFF TO DEVELOP CITYWIDE DESIGN STANDARDS FOR IMPLEMENTATION OF SB 9.**
- 3. DIRECT STAFF TO EXPLORE ALLOWANCE FOR “SB 9-TYPE” HOUSING PROJECTS WITHIN R-2 ZONING DISTRICTS AND ON HISTORIC PROPERTIES THAT DO NOT QUALIFY UNDER SB 9 THAT ALLOWS FOR MULTIPLE UNITS AND SUBDIVISIONS.**
- 4. DIRECT STAFF TO EXPLORE OPTIONS FOR CREATING AFFORDABLE HOUSING UNITS AS PART OF SB 9 IMPLEMENTATION.**

COMMISSIONER TORRENS SECONDED THE MOTION (8-2-1; GARCIA AND OLIVERIO OPPOSED, BONILLA ABSENT).

9. CLOSE GENERAL PLAN HEARING (2021 CYCLE 2)

COMMISSIONER LARDINOIS MADE A MOTION TO CLOSE THE GENERAL PLAN HEARING CYCLE. COMMISSIONER OLIVERIO SECONDED THE MOTION (10-0-1; BONILLA ABSENT).

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

11. GOOD AND WELFARE

- a. Report from City Council

No items

- b. Subcommittee Formation, Reports, and Outstanding Business

No items

- c. Commission Calendar and Study Sessions

No items

- d. The Public Record

No items

12. ADJOURNMENT

Meeting adjourned at 9:30 p.m.